

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:12CR181 CDP
)	
TIMOTHY O'LAUGHLIN,)	
)	
Defendant.)	

ORDER

The above matter is referred to the undersigned pursuant to 28 U.S.C. § 636(b) for all pretrial proceedings. On May 14, 2012, the Defendant appeared in person and with counsel on the record for his arraignment on the instant indictment. At that time, counsel for the Defendant indicated that she would be moving for a mental health evaluation of the Defendant, and that a written motion would be forthcoming. Further, on May 16, 2012, counsel for the Defendant filed the motion for mental health evaluation, and on May 16, 2012, the undersigned granted the motion directing that the evaluation be done locally by an expert of Defendant's choice. On August 24, 2012, counsel for the Defendant filed the evaluation report, and the undersigned set a competency hearing for August 29, 2012. In addition, on August 24, 2012, the Government filed a motion for an independent examination. At the hearing on August 29, 2012, all parties appeared. The undersigned indicated on the record that an order would be forthcoming granting the motion for an independent mental health evaluation. Thus, on August 30, 2012, the undersigned ordered that the Defendant be designated to a Bureau of Prisons facility for a mental health evaluation.

Subsequently, on November 26, 2012, the undersigned received the report from the Bureau of Prisons, and set a competency hearing for November 30, 2012. At the hearing, the undersigned found that, based on the evaluation from the Bureau of Prisons, the Defendant should be committed to the Bureau of Prisons pursuant to 18 U.S.C. § 4241(d), for a period, not to exceed four months, for additional treatment and evaluation to determine whether there is a substantial chance that the Defendant can be restored to competency in order to proceed on this matter. The parties concurred.

Accordingly,

IT IS HEREBY ORDERED that pursuant to 18 U.S.C. § 4241(d) the United States Marshal shall transport Defendant, Timothy O’Laughlin, in his custody to a facility designated by the United States Bureau of Prisons to be hospitalized for treatment in a suitable facility for a reasonable period of time, not to exceed four months, as is necessary to determine whether there is substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward.

IT IS FURTHER ORDERED that pursuant to 18 U.S.C. § 4241(e), the director of the facility in which the Defendant is hospitalized shall file a certificate with the Clerk of the Court if the director determines that the person has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, so that a hearing can be conducted pursuant to 18 U.S.C. § 4247(d) to determine competency.

/s/ Terry I. Adelman
UNITED STATES MAGISTRATE JUDGE

Dated this 3rd day of December, 2012.